

Introduced by Senator Hancock

February 27, 2015

An act to amend Sections 19240, 19242, and 19242.2 of, and to add Section 19242.3 to, the Government Code, relating to state employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 644, as introduced, Hancock. State employment: Limited Examination and Appointment Program.

Existing law requires the Department of Human Resources to administer the Limited Examination and Appointment Program (LEAP) to provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities in the state civil services. Existing law authorizes the department to conduct competitive examinations to determine eligibility for appointment under LEAP and requires the department to refer the names of eligible applicants who meet the minimum qualifications of a job classification to the appointing powers for examination appointments, as specified.

This bill would require the competitive examination for a person with an intellectual or developmental disability, as defined, to consist of a competitive internship with a state agency that is not less than 1,024 hours in duration and require the department to refer the names of eligible applicants who successfully complete the internship to the appointing powers for examination appointments. The bill would also authorize a state agency that provides the internship or appoints a person with an intellectual or developmental disability to a position under LEAP to allow that person to receive on-the-job support and finance the internship or position with personnel funds assigned to a vacant or unfilled position, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) Individuals with developmental disabilities have to struggle
4 to find gainful employment. Statewide unemployment among
5 people with intellectual or developmental disabilities of working
6 age is approximately 90 percent.
- 7 (b) According to California's Employment Development
8 Department, the average annual earnings of employed individuals
9 with developmental disabilities is approximately five thousand
10 five hundred dollars (\$5,500).
- 11 (c) Within the community of people with intellectual or
12 developmental disabilities, people diagnosed with autism are the
13 fastestgrowing population, making up approximately 50 percent
14 of the annual new caseload of regional centers in some areas of
15 the state.
- 16 (d) Seven years after exiting the K-12 school system, one in
17 three adults with autism still does not have paid work experience
18 or a college or technical education.
- 19 (e) Nationally recognized employment internship training
20 models like Project SEARCH have demonstrated that many people
21 with intellectual or developmental disabilities can be successfully
22 employed in jobs that earn a living wage.
- 23 (f) The key elements of successful programs like Project
24 SEARCH are:
- 25 (1) The opportunity for people with intellectual or developmental
26 disabilities to be exposed to real work through internships.
- 27 (2) The opportunity for people with intellectual or developmental
28 disabilities to receive on-the-job customized training and support
29 during internships.
- 30 (3) The opportunity for employers, in an internship setting, to
31 experience firsthand the quality of work of an individual with an
32 intellectual or developmental disability.
- 33 (g) The existing state hiring process for people with disabilities,
34 known as the Limited Examination and Appointment Program, or
35 LEAP, is not well suited to correctly assess the qualifications and

abilities of many people with intellectual or developmental disabilities because it relies on written testing as an assessment tool and is not performance based. As a result, very few people with intellectual or developmental disabilities are represented in the state workforce.

(h) The Governor and the Legislature must address the lack of access people with intellectual or developmental disabilities have to employment opportunities with the State of California and take steps to become a “model employer” to demonstrate the potential of this untapped workforce.

(i) In enacting this measure, the Legislature intends to create more access to state employment for people with intellectual or developmental disabilities by allowing successful internship performance in a state agency, in lieu of a written test, to serve as meeting the minimum qualifications for consideration for hire into an entry-level position with the State of California. The Legislature further intends to grant flexibility to state agencies to hire persons with intellectual or developmental disabilities who meet specific needs of those agencies into entry-level positions without requiring those persons to be able to perform the full range of tasks typically required by the entry-level job classification.

(j) The Legislature intends that these model employer practices be targeted at people with intellectual or developmental disabilities who are between 18 and 30 years of age and are deemed eligible by the Department of Rehabilitation to receive supported employment services. If this population is left without purposefully designed pathways to employment, these young adults will remain at a high risk of public dependency throughout the course of their lives.

SEC. 2. Section 19240 of the Government Code is amended to read:

19240. (a) The department, consistent with board rules, shall be responsible for the administration of the Limited Examination and Appointment Program. This program shall provide an alternative to the traditional civil service examination and appointment process to facilitate the hiring of persons with disabilities in the state civil service.

~~(b) “Disability” for the purposes of this article~~

(b) For purposes of this article, the following terms have the following meanings:

1 (1) “Disability” has the definition set forth in Section 12926,
2 as that section presently reads or as it subsequently may be
3 amended.

4 (2) “Developmental disability” has the definition set forth in
5 Section 4512 of the Welfare and Institutions Code.

6 (3) “Person with an intellectual or developmental disability”
7 means a person who the State Department of Developmental
8 Services deems eligible for services pursuant to the Lanterman
9 Developmental Disabilities Services Act (Division 4.5 (commencing
10 with Section 4500) of the Welfare and Institutions Code) and who
11 is a consumer of a regional center pursuant to Chapter 5
12 (commencing with Section 4620) of the act.

13 (c) Notwithstanding subdivision (b), if the definition of
14 “disability” used in the federal Americans with Disabilities Act of
15 1990 (Public Law 101-336) would result in broader protection of
16 the civil rights of individuals with a mental or physical disability,
17 as defined in subdivision (b), then that broader protection shall be
18 deemed incorporated by reference into, and shall prevail over
19 conflicting provisions of, the definition in subdivision (b). The
20 definition of “disability” contained in subdivision (b) shall not be
21 deemed to refer to or include conditions excluded from the federal
22 definition of “disability” pursuant to Section 511 of the federal
23 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12211).

24 SEC. 3. Section 19242 of the Government Code is amended
25 to read:

26 19242. (a) The department or its designee shall conduct
27 competitive examinations to determine the qualifications and
28 readiness of persons with disabilities for state employment. The
29 examinations may include an on-the-job-performance evaluation
30 and any other selection techniques deemed appropriate.

31 **Examination**

32 (b) The department or its designee shall not require a person
33 with an intellectual or developmental disability to take or pass a
34 written examination or readiness evaluation in order to qualify
35 for service in a position under the Limited Examination and
36 Appointment Program. The examination of a person with an
37 intellectual or developmental disability shall consist of a
38 competitive internship with a state agency that is not less than
39 1024 hours in duration.

40 (c) Examination results may be ranked or unranked.

1 SEC. 4. Section 19242.2 of the Government Code is amended
2 to read:

3 19242.2. The department or its designee shall refer the names
4 of persons with disabilities who meet eligibility criteria for
5 ~~participation and~~ *participation*, the minimum qualifications of the
6 job classification *or successfully complete an internship pursuant*
7 *to subdivision (b) of Section 19242, as determined by the board,*
8 and any other requirements deemed appropriate by the board to
9 appointing powers for examination appointments. Notwithstanding
10 any other provision of law, and to provide for appropriate
11 job-person placement, all candidates meeting referral requirements
12 shall be eligible for examination appointment. The department
13 may prescribe the method for referring names to appointing powers.

14 SEC. 5. Section 19242.3 is added to the Government Code, to
15 read:

16 19242.3. (a) A state agency that provides an internship to a
17 person with an intellectual or developmental disability or appoints
18 a person with an intellectual or developmental disability to a
19 position under the Limited Examination and Appointment Program
20 may finance the internship or position with personnel funds
21 assigned to a vacant or unfilled position. A state agency that
22 transfers funds from a vacant or unfilled position pursuant to this
23 section does not eliminate the vacant or unfilled position, and may
24 return or assign funds to fill the position.

25 (b) A state agency that provides an internship to a person with
26 an intellectual or developmental disability or appoints a person
27 with an intellectual or developmental disability to a position under
28 the Limited Examination and Appointment Program shall allow
29 the person to receive on-the-job support as a reasonable
30 accommodation for the person's disability.